IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.1886 OF 2006

IN

APPEAL (L) NO.462 OF 2006

AND

APPEAL (L) NO.462 OF 2006

...

Omprakash B. Salecha ...Appellant

v/s.

Umashankar Govindlal Chautrvedi ...Respondent

...

Mr.A.M.Sarogi for the Appellant.

Mr.M.L.Chaturvedi for the Respondent.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 19TH JULY, 2007

P.C.:

1. Assuming that there is good ground made out for condonation of delay, we heard the learned Counsel appearing for the Appellant. There was also a criminal prosecution filed by the Respondent against the Appellant. In those criminal proceedings a pursis was filed that a matter is settled out of court. On the basis of that pursis an application was made in the executing court that because of that pursis even the decree stands satisfied.

2. The learned single Judge after appreciating the material available on record has held that from the pursis filed in the criminal court for withdrawal of the proceedings an inference that the decree has been satisfied cannot be drawn. We see no reason to interfere with the order impugned. Appeal and Motion are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)